

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DANIEL D. DIAZ-HUERTA,**

**Plaintiff,**

**v.**

**No 14-cv-0535 JB/SMV**

**PATRICK R. DONAHOE, Postmaster  
General of the United States Postal Service,**

**Defendant.**

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court sua sponte. Plaintiff filed his Complaint against Defendant on June 6, 2014. [Doc. 1] at 1. Pursuant to Fed. R. Civ. P. 4(m), Plaintiff had 120 days from filing the Complaint within which to effect service of process. There is no indication on the record that service of process has been properly effected with respect to the Defendant.<sup>1</sup>

**IT IS THEREFORE ORDERED** that Plaintiff show good cause why his claims against Defendant should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). Plaintiff shall file his response within **21 days** of entry of this Order.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**

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<sup>1</sup> Plaintiff filed a return of service on October 17, 2014, indicating that Defendant was served on October 1, 2014. [Doc. 11]. However, the summons appears improper. *See* Fed. R. Civ. P. 4(a)(1).